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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,133	01/12/2005	Cornelis Johannes Denissen	DE 020175	6806

24737 7590 01/11/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

HINES, ANNE M

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/521,133	DENISSEN ET AL.	
	Examiner	Art Unit	
	Anne M. Hines	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/12/05, 8/24/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because applicant has submitted the cover page for WO 2004/008483 instead of a proper abstract. Applicant is reminded that the abstract should be a single paragraph of 150 words or less. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The terms "higher electronegativity" and "lower electronegativity" in claims 2, 3, 4, and 5 are relative terms which render the claims indefinite. The terms "higher electronegativity" and "lower electronegativity" are not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The claims have been treated on their merits disregarding these terms.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Krefft (GB 733,853) (of record).

Regarding claims 1, 2, 4, and 7 Krefft discloses a gas-tight discharge vessel that contains a gas filling (Column 1, lines 10-25), with electrodes for maintaining a gas discharge in the discharge vessel (Column 2, lines 64-79), at least one of which electrodes is arranged inside the discharge vessel and comprises a coil (Column 2, lines 64-79) having a core made from a first refractory metallic material that has a first electronegativity (Figs.1-6, 1-4; Column 3, lines 29-33), having a surrounding winding made from a second refractory metallic material that has a second electronegativity (Figs.1-6, 5; Column 3, lines 29-33), having a coating of an electron-emitting material arranged between the core and the winding (Fig. 3, 8; Column 3, lines 45-54), and having current feeds (Fig. 6, long straight portions on either side of secondary coil 10), and with means for igniting and maintaining a gas discharge (Column 1, lines 34-41). Note that it is inherent to a gaseous discharge lamp that the discharge vessel is gas-tight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krefft (GB 733,853) (of record) in view of Ruigrok (US 5742125).

Regarding claim 6, Krefft teaches the invention of claim 1, but fails to teach wherein the coating of an electron-emitting material contains a polymeric multiple barium tungstate. Ruigrok teaches an electron-emitting material contains a polymeric multiple barium tungstate (Column 4, lines 13-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to choose from one of the materials disclosed by Ruigrok for the electron-emitting material, since it has been held to be within the general skill of the worker in the art to select a known material on the basis of its suitability for the intended use. See MPEP 2144.07.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krefft (GB 733,853) (of record) in view of Takahashi et al. (US 2004/0021418).

Regarding claim 5, Krefft teaches the invention of claim 1, but fails to teach wherein the core is composed of tungsten, or alloys of tungsten alloyed with zirconium, hafnium, titanium, yttrium, scandium, lanthanum, or the lanthanides and the winding is composed of rhenium, cobalt, nickel, ruthenium, palladium, rhodium, iridium, osmium, or platinum. Takahashi teaches an electrode structure for a lamp with a tungsten core (Page 1, Paragraph [0003]) and a platinum, iridium, rhodium, ruthenium, or rhenium winding (Page 2, Paragraph [0018]) in order to provide an electrode for a lamp that does not blacken the lamp envelope (Page 1, Paragraph [0008]). Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Krefft to

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have the materials for the core and the winding disclosed by Takahashi in order to provide an electrode for a lamp that does not blacken the lamp envelope.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne M. Hines whose telephone number is (571) 272-2285. The examiner can normally be reached on Monday through Friday from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anne M Hines
Patent Examiner
Art Unit 2879

AmH
1/6/06

msz 1/7/06
MARICELI SANTIAGO
PRIMARY EXAMINER